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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4483 of 2005

Between:

Keesari Padmavathi, W/o. Keesari Dayanand,
R/o. H.No. 9-5-99/2/D/2, Ibrahimbagh, Golconda Mandal, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Hyderabad, Hyderabad District.
3 The Revenue Divisional Officer, Hyderabad Division, Hyderabad District.
4 The Mandal Revenue Officer, Golconda Mandal, Hyderabad.
5 Bal Raj, S/o. Swamy,
Langerhouse, Hyderabad.
6 Pamballa Pentamma, W/o. Late Muttaiah,
R/o. H.No. 1-1-108, Budvel, Rajendranagar Mandal, Ranga Reddy District.
7 Pamballa Janardhan, S/o. Late Muttaiah,
R/o. H.No. 1-1-108, Budvel, Rajendranagar Mandal, Ranga Reddy District.
8 Pamballa Devendar, S/o. Late Muttaiah,
R/o. H.No. 1-1-108, Budvel, Rajendranagar Mandal, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent is illegal, arbitrary and violated Rule 5 of the A.P. (TA) Abolition of Inams Rules 1974 consequently to set aside the

3rd respondent orders vide No. B/6327/03 Dt. 18-10-2004 in favour of the 5th respondent.

Counsel for the Petitioner:MR.K.RAMA KOTESWARA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent Nos.5 to 8: ----

The Court at the stage of admission made the following:

ORDER:

The petitioner proposes to challenge the order, dated 18.10.2004 passed by the Revenue Divisional Officer, Hyderabad, the 3rd respondent, in exercise of power under Rule 5 of the A.P.(T.A) Abolition of Inams Rules, 1974.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Though several contentions are urged on behalf of the petitioner, this Court is not inclined to deal with the same at this stage. The reason is that through the impugned order, the 3rd respondent had granted occupancy right certificate in favour of the 5th respondent. Under Section 24 of the A.P.(T.A) Abolition of Inams Act, an appeal is provided to the Joint Collector. The appellate authority would be in a better position to appreciate and examine the matter with reference to the record. When such an effective and alternative remedy is available, this Court is not inclined to entertain the writ petition. The petitioner does not state that the impugned order was passed by an authority not vested with the jurisdiction.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal. It shall also be open to the petitioner to seek appropriate interim orders in such appeal. There shall be no order as to costs.

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09.03.2005

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To

1 The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Hyderabad, Hyderabad District.
3 The Revenue Divisional Officer, Hyderabad Division, Hyderabad District.
4 The Mandal Revenue Officer, Golconda Mandal, Hyderabad.

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.